

(Via email to Chambers & Temporary Pro Se Filing)

August 5, 2020

Hon. Alison J. Nathan

Thurgood Marshall United States Courthouse

40 Foley Square

New York, NY 1007

Re: Benthos Master Fund, Ltd. v. Etra, No. 20-cv-3384

Dear Judge Nathan,

I respectfully request that the Court deny the petition of Mr. Steven R. Popofsky in his attached letter of August 4, 2020.

The arbitration to which he referred was one in which none of the parties, other than Mr. Popofsky's client participated. I did not, because I was not and never was a party to the business transaction. I was a services provider, who performed honorably and in accordance with the agreement of the parties. Unfortunately, the business transaction failed and, notwithstanding the efforts of many to assist the parties, including by me for many years and without compensation, Mr. Popofsky's client suffered a loss. His client is an offshore fund for wealthy investors, with unlimited funds to deal with these matters and, unfortunately, with the resources to also attack even those who were not party to the transaction and who fully and correctly performed and assisted his client, as they themselves had acknowledged at the time.

Therefore, one must take the allegations in Mr. Popofsky's letter, all of which are factually incorrect, as the unilateral claims of Mr. Popofsky, which he also made to the arbitrator, who accepted them without recourse to any other input.

Mr. Popofsky also takes out of context a quote from an early hearing before Judge Deborah Bass. The judge dismissed Mr. Popofsky's motion when it was clear that I performed fully and honorably. Mr. Popofsky made me supply hundreds of pages of documents and be deposed for a full seven hours to obtain clear evidence that I did nothing wrong. None of this or any other exculpatory evidence was presented to the arbitrator which would have fully rebutted Mr. Popofsky's claims.

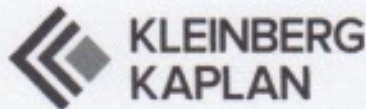
I have continued to offer assistance to Mr. Popofsky and his client, both of whom who fully appreciate my own personal limited resources as well as my positive role throughout this matter. Rather than accepting the petition to convert a unilateral arbitration award, which would irreparably harm me in my ability to function for this or any other purpose at my senior age of 79 years, I ask the Court to hold the petition in abeyance, avoiding causing further harm to me without any benefit to his client, and order Mr. Popofsky and myself to engage in good faith efforts to find the best possible resolution for the parties concerned.

Respectfully submitted,

Aaron Etra: 240 East 47<sup>th</sup> Street, New York, NY 10017, [aaron@etra.com](mailto:aaron@etra.com); 917-856-3500

cc: Steven R. Popofsky, Esq





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August 4, 2020

**VIA ECF**

Hon. Alison J. Nathan  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: Benthos Master Fund, Ltd. v. Etra, No. 20-cv-3384**

Dear Judge Nathan:

This firm represents petitioner Benthos in connection with the above (unopposed) application to confirm an arbitration award in the amount of \$5,254,561.12. In accordance with Your Honor's Rule 3(H), we write to alert the Court that 90 days have passed since the application became fully briefed.

Because (among other reasons) the arbitrator found that respondent (a licensed New York attorney) had engaged in "shocking" conduct that was "unworthy of an attorney acting as an escrow Agent," acted with "disloyalty," "showed reckless disregard of [petitioner's] rights," and "released [petitioner's escrowed] funds while engaging in willful misconduct" (Dkt. 1, Ex. A, Section VIII, paras. 70-72, 77); and because the late judge Deborah Batts found in this matter that respondent, "an officer of the court . . . [has] ignored court orders" and "will be subject to being incarcerated (Case No. 1:18-cv-09401, Dkt. 16-1 at 8, 19), petitioner has a well-founded fear that respondent may be engaged in hiding assets or otherwise seeking to frustrate judgment enforcement.

Accordingly, with due regard for this Court's docket and the exigencies imposed by the current public health emergency, petitioner respectfully requests that the Court grant the petition at the earliest possible opportunity so that petitioner may convert its arbitration award into a judgment and proceed to enforce it.

Respectfully yours,

*Steven R. Popofsky*  
Steven R. Popofsky

cc: Aaron Etra (via e-mail)